

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

MATTHEW HAUGAN, Plaintiff, vs. ROSE MEDINA, IN HER INDIVIDUAL AND OFFICIAL CAPACITY; Defendant.	4:19-CV-04177-LLP ORDER GRANTING DEFENDANT'S SECOND MOTION FOR AN EXTENSION AND REQUIRING PLAINTIFF TO RESPOND
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Plaintiff, Matthew Haugan, filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Doc. 1. This Court screened Haugan's Complaint and directed service. Doc. 14 at 7.¹ Pending before this Court are Haugan's motions: for discovery, for this Court to amend the 1915A screening order, and for dismissal with prejudice. Docs. 17, 18, 33. Defendant, Rose Medina, moves for a second motion for extension of time to answer if this Court denies Haugan's motion to dismiss with prejudice. Doc. 35.

I. Motion for Discovery

In his motion for discovery, Haugan seeks to acquire the last address of Medina so he can serve his Complaint. Doc. 17. Because Medina was served on May 15, 2020, (Doc. 23) Haugan's motion for discovery, Doc. 17, is denied as moot.

¹ Haugan's Eighth Amendment claim against Medina survived 28 U.S.C. 1915A review. Doc. 14 at 7. Haugan claims he was sexually abused by Medina. *Id.* at 4-5.

II. Motion to Amend 1915A Screening Order

Haugan moves for this Court to amend its 1915A screening order (Doc. 14). Doc. 18. Haugan does not cite what Federal Rule of Civil Procedure he is relying on for his motion to amend, liberally construing this pleading in the light most favorable to Haugan as a pro se plaintiff, it seems that the remedy Haugan seeks is to have a more clear presentation of the facts of his Complaint. *See id.* He asks that the Court amend its screening order to reflect that his alleged relationship with Medina lasted a longer time and states that the Court misquoted how many years Medina's husband was in a coma. *Id.* If Haugan would like to amend his Complaint he must follow Federal Rule of Civil Procedure 15 and this Court's Local Civil Rules. Because, the alleged facts that Haugan wishes to clarify would not affect this Court's ruling, Haugan's motion to amend (Doc. 18) is denied.

III. Motion to Dismiss with Prejudice

On June 30, 2020, Haugan moved to "dismiss the complaint with prejudice." Doc. 33. On the same day he also filed letters to this Court about an unrelated legal issue. Doc. 32. A few days before Haugan filed his motion to dismiss he filed letters and an affidavit. Docs. 29, 30, 31. This Court is unsure whether Haugan intends to dismiss his entire lawsuit with prejudice against Medina.

The Court wants to know whether Haugan intends to have his case be dismissed with prejudice and notes that when a case is dismissed with prejudice that it can never be brought again. Haugan must file a response within **twenty (20) days** of the filing of this Order, telling the Court whether he intends to dismiss this case with prejudice.

IV. Medina's Second Motion for Extension of Time to Answer

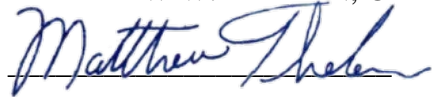
Medina moves for a second extension of time to answer Haugan's Complaint. Doc. 35. Medina does not object to Haugan's motion to dismiss but requests that if this Court denies his motion to dismiss that she be granted 21 days to file her answer. *Id.* At this time, while the Court is awaiting Haugan's response, the Court grants Medina's second motion for extension of time to answer and the time in which Medina must answer is extended until further Order by the Court.

Accordingly, it is ORDERED:

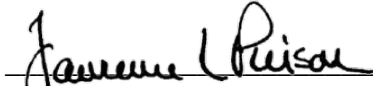
1. That Haugan's motion for discovery (Doc. 17) is denied as moot.
2. That Haugan's motion to amend (Doc. 18) is denied.
3. That Haugan has **twenty days** from the date of this Order to respond to the Court about whether he intends to dismiss his case with prejudice.
4. That Medina's Second Motion for an Extension (Doc. 35) is granted. The time in which Medina must answer is extended until further notice by this Court.

DATED July 22, 2020.

ATTEST:
MATTHEW W. THELEN, CLERK



BY THE COURT:


Lawrence L. Piersol
United States District Judge